

REMARKS

Claim 11 now is the only claim pending and under consideration. Claims 26-28 have been canceled by means of the present amendment. Claims 1-10 and 12-25 were canceled previously.

In the Office Action of November 12, 2004, claims 26-28 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims have been canceled, thus rendering the rejection moot.

Claim 27 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13, 14 of copending Application No. 10/656659. The claim has been canceled, thus rendering the rejection moot.

Claims 11 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sugihara (Analytical Sciences, 1993, 9: 593-597). The rejection was based on the compound of claim 11 having ethyl, propyl or pentyl as R¹ as R². Ethyl, propyl and n-pentyl have been deleted from claim 11.

As for the iso-pentyl, neo-pentyl and tert-pentyl, applicants respectfully submit that Sugihara does not reasonably suggest bathophenanthrolines with such substituents. Rather, Sugihara discloses that electrodes based on bathophenanthrolines with tert-butyl substituents exhibit less Li⁺-selectivity and their calibration plots showed only small responses (See page 596, first column, lines 11-15). This low selectivity was postulated on the steric hindrance exerted by bulky substituents (See page 597, second column, Figure 5 and lines and last full paragraph). Accordingly, Sugihara actually teaches against using bathophenanthrolines with bulky substituents such as branched pentyl. Such compounds are therefore not reasonably suggested in light of the cited reference, and it is respectfully submitted that the amended claim is now in condition for allowance.

Prompt passage to allowance is respectfully requested and early notice thereof is earnestly solicited.

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Respectfully submitted,

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